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## **REMARKS**

### **Allowed Claims 1-7**

The allowance of claims 1-7 and the indication that claims 10-14 would be allowable if rewritten in independent form is acknowledged with appreciation.

### **Claims 10-14**

Each of claims 10-14 have been rewritten to include all of the limitations of original claim 9/8 on which each was dependent.

The format of original independent claim 8, but not the substance, has been slightly re-arranged to improve its form and to provide a clear antecedent basis for the bottom portion terminology of the first and second indentations.

Accordingly, each of claims 8-14 is believed to now be in a proper form for allowance and reconsideration and allowance thereof as amended is respectfully requested.

### **Claims 15-20**

Claims 15 and 16 are ultimately dependent on allowable claim 14 (now in independent form). Claim 17 has been amended to be dependent on allowable claim 10 (now in independent form) and hence each of claims 17-20 is ultimately dependent on allowable claim 10.

As permitted by 37 C.F.R. 1.141 and reserved in the prior response to the election of species requirement, reconsideration and allowance of claims 15-20 as amended is requested since each is now dependent on an allowable independent claim.

Incidentally, applicants respectfully disagree with the treatment of applicants' election as being "without traverse" because the election was with traverse and merely because the Patent Office disagrees with the sufficiency for the reasons stated in support thereof the election does not become without traverse. In any event, in view of allowed claims 1-7 and allowable claims 10-14, the species election requirements is believe to now be moot in view of the allowed and allowable claims and 37 C.F.R. 1.141.

#### **Claim 8**

Claim 8 was rejected only under §103 as unpatentable over Jüng et al in view of Pachciarz. Claim 8 has been amended to more clearly define applicants' invention over this combination of references and is believed to define patentable subject matter for the following reasons.

Jüng discloses merely a plastic fuel tank having a splash baffle 1 formed by ridge-like projections 2, 8 in opposed tank walls 3, 4.

Contrary to the contention in the Office Action, Pachciarz does not disclose any stress relief feature or construction at all. Rather, it discloses a plastic fuel tank 10 with a strut 36 extending between and at its opposite ends 40, 42 fixed by fusion welding to opposed top and bottom walls 28, 32 of the fuel tank to limit the extent to which these walls are flexed by a pressure differential between the interior and the exterior tank. This pressure differential occurs in normal use of automotive vehicle fuel tanks due to temperature and pressure changes in the atmosphere and in the fuel in the tank. Utilizing the strut fixed to the walls permits manufacture of a tank having walls of reduced thickness without the tank being damaged by these pressure changes which tend to either

expand or collapse the tank during normal vehicle operating and ambient temperature conditions.

### **Claim 8**

In contrast, amended claim 8 defines a fuel tank with walls defining a fuel chamber, and having unitary indentations projecting into the chamber and a stress relief structure in the chamber and adhered to the bottom portions of both the first and second indentations which will yield upon excessive force being applied to the walls (typically in a vehicle crash) before the walls tear.

### **Claim 8 is Patentable**

Neither applicants' basic concept, construction and arrangement as defined by amended claim 8 nor its significant practical advantages are disclosed, suggested, or taught to skilled persons by the Jüng and Pachciarz references (nor the cited but not applied Aulph reference) whether considered alone or in combination.

Admittedly, Jüng does not disclose or teach any stress relief concept, feature or construction whatsoever. Nor, as indicted above, does Pachciarz do so. Rather, Pachciarz teaches away from applicants' concept, construction and arrangement by merely disclosing a reinforcing strut 36 which limits the extent to which opposed plastic walls of the tank can flex or move toward or away from each other due to pressure differentials between the interior and the exterior of the tank caused by changes in the temperature and hence pressure of fuel in the tank and/or the temperature and/or barometric pressure of the atmosphere outside of the tank. It is well known that

significant pressure differentials created by heating, vaporization and cooling of the fuel both during vehicle operation and when the vehicle is turned off, as well as changes in the ambient atmospheric and pressure and temperature conditions cause this flexing.

Furthermore, these references do not contain any disclosure, suggestion or teaching as to which of their numerous elements should be discarded and which selected, re-arranged, and recombined with elements not disclosed by the prior art to achieve applicants' concept, specific construction and arrangement as defined by claim 8 nor its significant practical advantages. For these same reasons, these references do not contain any motivation or teaching of skilled persons to combine them or as to how they should be combined to achieve applicants' invention as defined by amended claim 8.

Indeed, if these references were combined, they would teach away from applicants' invention by disclosing and suggesting a plastic fuel tank with opposed walls having both a splash baffle formed by protrusions and a strut extending between and fixed to the opposed walls to limit the extent to which they are flexed by changes in the differential pressure between the interior and the exterior of a plastic fuel tank.

Accordingly, for at least these reasons, amended claim 8 defines patentable subject matter under §103 over the cited and applied references whether considered alone or in combination and reconsideration and allowance thereof as amended is respectfully requested.

### **Conclusion**

Claims 1-7 were allowed as filed, and allowable claims 10-14 have been rewritten in independent form to include all of the limitations of the base claim and intervening claims and are believed to now be in a proper form for allowance and such action is requested.

Claims 15-20 are now dependent on allowable claims 10 and 14 and hence are believed to be in a proper form for allowance since they define patentable subject matter for at least the reasons for which claims 10 and 14 were deemed allowable.

As amended, claim 8 is believed to define patentable subject matter under §103 over the applied and cited references for at least the foregoing reasons. Hence, reconsideration and allowance thereof as amended is respectfully requested.

A check in the amount of \$86.00 to cover the fee for one additional independent claim is enclosed. If the Patent Office determines this additional claim fee is incorrect, please charge any deficiency or credit any excess to our Deposit Account No. 50-0852.

If, after considering this Response, the Examiner believes any of the claims are not allowable, a telephone interview with applicants' undersigned attorney William Francis is requested so that immediate consideration can be given to any further amendments suggested by the Examiner or otherwise needed to place all of the claims in a condition for allowance. The Examiner is asked to either initiate or schedule time for

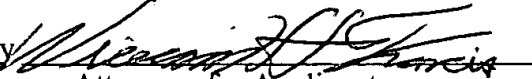
this interview by telephoning William Francis at (248) 689-3500 who normally can be reached between 9:00 A.M. and 5:00 P.M. Monday through Friday.

Respectfully submitted,

Reising, Ethington Barnes, Kisselle, P.C.

WHF:sal

Enclosure

By   
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